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Office of the Commissioner of Official Languages | Commissariat aux langues officielles

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FOR IMMEDIATE RELEASE

Court confirms that municipalities in New Brunswick do have constitutional obligations

The Commissioner of Official Languages, Dr. Dyane Adam, considers that the decision handed down this morning by the Court of Appeal of New Brunswick in the Charlebois case marks an important step forward in the practical application of the equality of New Brunswick's two language communities.

A Moncton resident had challenged in court the fact that municipal by-laws were enacted in English only and that orders from inspectors were not issued in both official languages. The Court of Appeal ruled today that New Brunswick municipalities do in fact have a constitutional obligation under the Canadian Charter of Rights and Freedoms to adopt their by-laws in both official languages. The judgment sets out that the provincial government has an obligation to take appropriate measures to put in place a new linguistic regime for municipalities according to their demographic and linguistic composition.

New Brunswick is the only province in the country that is officially bilingual, and the Charter establishes the equal status of both official languages and of both linguistic communities (sections 16 and 16.1 of the Charter), as well as the public's right to receive provincial services in the official language of their choice. The Commissioner of Official Languages intervened in this case and argued before the Court that these sections are not merely declaratory but that they impose obligations to act on the province, and in turn, on the City of Moncton.

"This decision confirms that language rights must be interpreted broadly and liberally. This is also an important reminder to the Province of New Brunswick that constitutional principles also include obligations that must be reflected in concrete measures that take into account the principle of the equal status of both linguistic communities," stated the Commissioner. "New Brunswick holds a unique place in Canada and the Province could play an important leadership role in the country and be a champion for linguistic duality. I encourage the Lord government to take up this challenge."

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Information

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